



## *Report to the Auburn City Council*

Action Item

5

Agenda Item No.

City Manager Approval

**To:** Mayor and City Council Members  
**From:** John Ruffcorn, Chief of Police  
**Date:** March 12, 2012  
**Subject:** Sale of Controlled (Owned/Seized) Firearms, In Lieu of Destruction

### **The Issue:**

Should the Auburn Police Department sell or trade department controlled firearms and firearms related accessories that have been confiscated or previously purchased, rather than destroy them.

### **Conclusion and Recommendation:**

Staff proposes that the City Council, by **RESOLUTION**, allow the police department to sell or trade department controlled firearms and firearms related accessories that have been confiscated or previously purchased in accordance with state and federal laws. Proceeds from the sales would be utilized to update our current firearms, firearm accessories, and equipment related to firearms maintenance and repair.

### **History and Background:**

Many federal, state, county, and municipal agencies in the United States, including California, sell seized firearms as a source of revenue. The Auburn Police Department occasionally take custody of firearms as evidence or confiscates firearms from individuals that legally cannot own or possess a firearm. In some instances, these firearms are available for department use and may be lawfully sold or auctioned by the department through a licensed gun dealer (18005(a) California Penal Code). The department's

current procedure for these firearms is to destroy them. Some of the firearms destroyed by the department are valuable and the proceeds from selling these firearms could be used to augment the department's firearms budget.

The department currently has approximately thirty-five seized firearms in its evidence vault, some of which are very valuable. The department proposes rather than destroying these valuable items, they are sold or traded. This would also apply to previously purchased weapons and accessories (scopes, magazines, etc...) The proceeds from the firearm sales could be used to purchase new firearms and/or adding equipment upgrades to the department's existing firearm inventory. Some of the desired upgrades would include equipping patrol rifles with lights and electronic optics.

If the firearms were sold to or by a firearms dealer, we would receive payment from the firearms dealer minus a negotiated profit to be given to the dealer. Any repair costs required to make a firearm serviceable prior to its sale would be with the permission of the department. The cost associated with such repairs would also be deducted from the sale proceeds. Proceeds from the sale of firearms could be applied toward the purchase of new firearms or firearms accessories without affecting the current operating budget of the department.

There is a positive impact for the city in that valuable assets in the possession of the department would no longer be destroyed, but would be transformed into a resource for the maintenance and improvement of the department's firearms and armory supplies.

**Fiscal Impacts:**

The City of Auburn will not have any expenses incurred as result of selling or trading these firearms. The cost of shipping, repairing and selling these firearms would be deducted from the proceeds of the sales of the firearms.

## Legislative Sections That Provide Us This Authority:

**Penal Code 16580.** (a) Except as stated in subdivision (c), the following provisions are continuations of provisions that were included in former Chapter 1 (commencing with Section 12000) of Title 2 of Part 4, entitled "Firearms," when that chapter was repealed by the Deadly Weapons Recodification Act of 2010:

- (1) Sections 12001 to 12022.95, inclusive.
- (2) Sections 16120 to 16140, inclusive.
- (3) Subdivision (b) of Section 16170, to the extent it continues former Sections 12001, 12060, 12078, 12085, and 12088.8, as those sections read when they were repealed by the Deadly Weapons Recodification Act of 2010.
- (4) Subdivision (c) of Section 16170.
- (5) Section 16190.
- (6) Sections 16220 to 16240, inclusive.
- (7) Section 16250, to the extent it continues former Section 12001, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (8) Section 16260.
- (9) Sections 16320 to 16340, inclusive.
- (10) Section 16360.
- (11) Sections 16400 to 16410, inclusive.
- (12) Section 16430.
- (13) Section 16450, to the extent it continues former Sections 12060 and 12086, as those sections read when they were repealed by the Deadly Weapons Recodification Act of 2010.
- (14) Subdivision (b) of Section 16460.
- (15) Section 16470.
- (16) Section 16490.
- (17) Subdivision (a) of Section 16520, to the extent it continues former Section 12001, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (18) Subdivisions (b) to (g), inclusive, of Section 16520.
- (19) Sections 16530 to 16550, inclusive.
- (20) Section 16570.
- (21) Sections 16600 to 16640, inclusive.
- (22) Section 16650, to the extent it continues former Section 12060, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (23) Section 16662, to the extent it continues former Section 12060, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (24) Sections 16670 to 16690, inclusive.

- (25) Sections 16720 to 16760, inclusive.
- (26) Sections 16800 and 16810.
- (27) Sections 16830 to 16870, inclusive.
- (28) Sections 16920 to 16960, inclusive.
- (29) Sections 16990 and 17000.
- (30) Sections 17020 to 17070, inclusive.
- (31) Section 17090, to the extent it continues former Section 12020, as that section read when it was repealed by the Deadly Weapons Recodification Act of 2010.
- (32) Section 17110.
- (33) Section 17125.
- (34) Section 17160.
- (35) Sections 17170 to 17200, inclusive.
- (36) Sections 17270 to 17290, inclusive.
- (37) Sections 17310 and 17315.
- (38) Sections 17330 to 17505, inclusive.
- (39) Sections 17515 to 18500, inclusive.
- (40) Sections 19100 to 19290, inclusive.
- (41) Sections 20200 to 21390, inclusive.
- (42) Sections 21790 to 22490, inclusive.
- (43) Sections 23500 to 30290, inclusive.
- (44) Sections 30345 to 30365, inclusive.
- (45) Sections 31500 to 31590, inclusive.
- (46) Sections 31705 to 31830, inclusive.
- (47) Sections 32310 to 32450, inclusive.
- (48) Sections 32900 to 33320, inclusive.
- (49) Sections 33600 to 34370, inclusive.
- (b) Except as stated in subdivision (c), the provisions listed in subdivision (a) may be referred to as "former Chapter 1 provisions."
- (c) Subdivision (a) does not include any provision that was first codified in one of the specified numerical ranges after the effective date of the Deadly Weapons Recodification Act of 2010.

**Penal Code 18000.** (a) Any weapon described in Section 19190, 21390, 21590, or 25700, or, upon conviction of the defendant or upon a juvenile court finding that an offense that would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in Section 29300, shall be surrendered to one of the following:

- (1) The sheriff of a county.
- (2) The chief of police or other head of a municipal police department of any city or county.
- (3) The chief of police of any campus of the University of California or the California State University.
- (4) The Commissioner of the California Highway Patrol.

(b) For purposes of this section, the Commissioner of the California Highway Patrol shall receive only weapons that were confiscated by a member of the California Highway Patrol. (c) A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

**Penal Code 18005.** (a) An officer to whom weapons are surrendered under Section 18000, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1<sup>st</sup> and 10<sup>th</sup> days of July, in each year, offer the weapons, which the officer in charge of them considers to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed pursuant to Sections 26700 to 26915, inclusive, to engage in businesses involving any weapon purchased.

(b) If any weapon has been stolen and is thereafter recovered from the thief or the thief's transferee, or is used in a manner as to constitute a nuisance under Section 19190, 21390, 21590, or 29300, or subdivision (a) of Section 25700 without the prior knowledge of its lawful owner that it would be so used, it shall not be offered for sale under subdivision (a) but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon the lawful owner's identification of the weapon and proof of ownership, and after the law enforcement agency has complied with Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.

(c) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold under subdivision (a), the weapon, in the month of July, next succeeding, or sooner, if necessary to conserve local resources, including space and utilization of personnel who maintain files and security of those weapons, shall be destroyed so that it can no longer be used as a weapon subject to surrender under Section 18000, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.

(d) No stolen weapon shall be sold or destroyed pursuant to subdivision (a) or (c) unless reasonable notice is given to its lawful owner, if the lawful owner's identity and address can be reasonably ascertained.

**Penal Code 19190.** The unlawful concealed carrying upon the person of any explosive substance other than fixed ammunition, as provided in Section 19100, is a nuisance and is subject to Sections 18000 and 18005.

**Penal Code 19100.** Except as provided in Chapter 1 (commencing with Section 17700) of Division 2, any person in this state who carries concealed upon the person any explosive substance, other than fixed ammunition, is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Penal Code 21310.** Except as provided in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who carries concealed upon the person any dirk or dagger is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**Penal Code 21390.** The unlawful concealed carrying upon the person of any dirk or dagger, as provided in Section 21310, is a nuisance and is subject to Sections 18000 and 18005.

**Penal Code 21510.** Every person who does any of the following with a switchblade knife having a blade two or more inches in length is guilty of a misdemeanor:

- (a) Possesses the knife in the passenger's or driver's area of any motor vehicle in any public place or place open to the public.
- (b) Carries the knife upon the person.
- (c) Sells, offers for sale, exposes for sale, loans, transfers, or gives the knife to any other person.

**Penal Code 21590.** The unlawful possession or carrying of any switchblade knife, as provided in Section 21510, is a nuisance and is subject to Sections 18000 and 18005.

**Penal Code 25700.** (a) The unlawful carrying of any handgun in violation of Section 25400 is a nuisance and is subject to Sections 18000 and 18005.

(b) This section does not apply to any of the following:

- (1) Any firearm in the possession of the Department of Fish and Game.
- (2) Any firearm that was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto.
- (3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public Resources Code.

**Penal Code 25400.** (a) A person is guilty of carrying a concealed firearm when the person does any of the following:

- (1) Carries concealed within any vehicle that is under the person's control or direction any pistol, revolver, or other firearm capable of being concealed upon the person.
- (2) Carries concealed upon the person any pistol, revolver, or other firearm capable of being concealed upon the person.

- (3) Causes to be carried concealed within any vehicle in which the person is an occupant any pistol, revolver, or other firearm capable of being concealed upon the person.
- (b) A firearm carried openly in a belt holster is not concealed within the meaning of this section.
- (c) Carrying a concealed firearm in violation of this section is punishable as follows:
  - (1) If the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.
  - (2) If the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.
  - (3) If the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.
  - (4) If the person is not in lawful possession of the firearm or the person is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.
  - (5) If the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.
  - (6) If both of the following conditions are met, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment:
    - (A) The pistol, revolver, or other firearm capable of being concealed upon the person is loaded, or both it and the unexpended ammunition capable of being discharged from it are in the immediate possession of the person or readily accessible to that person.
    - (B) The person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that pistol, revolver, or other firearm capable of being concealed upon the person.
  - (7) In all cases other than those specified in paragraphs (1) to (6), inclusive, by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.
- (d) (1) Every person convicted under this section who previously has been convicted of a misdemeanor offense enumerated in Section 23515 shall be punished by imprisonment in a county jail for at least three months and not exceeding six months, or, if granted probation, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for at least three months.
- (2) Every person convicted under this section who has previously been convicted of any felony, or of any crime made punishable by a provision listed in Section

16580, if probation is granted, or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned in a county jail for not less than three months.

- (e) The court shall apply the three-month minimum sentence as specified in subdivision (d), except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in subdivision (d) or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in subdivision (d), in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.
- (f) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c) if the peace officer has probable cause to believe that the person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of the pistol, revolver, or other firearm capable of being concealed upon the person, and one or more of the conditions in subparagraph (A) of paragraph (6) of subdivision (c) is met.

**Penal Code 26700.** As used in this division, and in any other provision listed in Section 16580, "dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive" means a person who satisfies all of the following requirements:

- (a) Has a valid federal firearms license.
- (b) Has any regulatory or business license, or licenses, required by local government.
- (c) Has a valid seller's permit issued by the State Board of Equalization.
- (d) Has a certificate of eligibility issued by the Department of Justice pursuant to Section 26710.
- (e) Has a license issued in the format prescribed by subdivision (c) of Section 26705.
- (f) Is among those recorded in the centralized list specified in Section 26715.

**Penal Code 26705.** (a) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing. (b) No license shall be granted to any applicant who fails to provide a copy of the applicant's valid federal firearms license, valid seller's permit issued by the State Board of Equalization, and the certificate of eligibility described in Section 26710. (c) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance, and shall be in one of the following forms:

- (1) In the form prescribed by the Attorney General.
- (2) A regulatory or business license that states on its face "Valid for Retail Sales of Firearms" and is endorsed by the signature of the issuing authority.
- (3) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict



or regulate the sale of firearms. (d) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

**Penal Code 26710.** (a) A person may request a certificate of eligibility from the Department of Justice. (b) The Department of Justice shall examine its records and records available to the department in the National Instant Criminal Background Check System in order to determine if the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm. (c) The department shall issue a certificate to an applicant if the department's records indicate that the applicant is not a person who is prohibited by state or federal law from possessing firearms. (d) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

**Penal Code 26715.** (a) Except as otherwise provided in paragraphs (1) and (3) of subdivision (b), the Department of Justice shall keep a centralized list of all persons licensed pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

(b) (1) The department may remove from this list any person who knowingly or with gross negligence violates a provision listed in Section 16575.

(2) The department shall remove from the centralized list any person whose federal firearms license has expired or has been revoked.

(3) Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located. (c) Information compiled from the list shall be made available, upon request, for the following purposes only:

(1) For law enforcement purposes.

(2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Article 1 (commencing with Section 27200) of Chapter 3, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subdivision (b) of Section 26805.

(d) Information provided pursuant to subdivision (c) shall be limited to information necessary to corroborate an individual's current license status as being one of the following:

(1) A person licensed pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

(2) A person who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and who is

not subject to the requirement of being licensed pursuant to subdivisions (a) to (e), inclusive, of Section 26700.

**Penal Code 26805.** (a) Except as provided in subdivisions (b) and (c), the business of a licensee shall be conducted only in the buildings designated in the license.

(b) (1) A person licensed pursuant to Sections 26700 and 26705 may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at any gun show or event, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subdivision shall be entitled to conduct business as authorized herein at any gun show or event in the state, without regard to the jurisdiction within this state that issued the license pursuant to Sections 26700 and 26705, provided the person complies with all applicable laws, including, but not limited to, the waiting period specified in subdivision (a) of Section 26815, and all applicable local laws, regulations, and fees, if any.

(2) A person conducting business pursuant to this subdivision shall publicly display the person's license issued pursuant to Sections 26700 and 26705, or a facsimile thereof, at any gun show or event, as specified in this subdivision.

(c) (1) A person licensed pursuant to Sections 26700 and 26705 may engage in the sale and transfer of firearms other than handguns, at events specified in Sections 26955, 27655, 27900, and 27905, subject to the prohibitions and restrictions contained in those sections.

(2) A person licensed pursuant to Sections 26700 and 26705 may also accept delivery of firearms other than handguns, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in Section 27900.

(d) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

(1) The building designated in the license.

(2) The places specified in subdivision (b) or (c).

(3) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

**Penal Code 29300.** (a) Except as provided in subdivision (c), a firearm of any nature owned or possessed in violation of Chapter 1 (commencing with Section 29610), Chapter 2 (commencing with Section 29800), or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Chapter 3 (commencing with Section 8100) of Division 5 of the Welfare and Institutions Code, or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the

defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance, and is subject to Sections 18000 and 18005. (b) A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) A firearm is not a nuisance pursuant to this section if the firearm owner disposes of the firearm pursuant to Section 29810.

(d) This section does not apply to any of the following:

(1) Any firearm in the possession of the Department of Fish and Game.

(2) Any firearm that was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto.

(3) Any firearm that is forfeited pursuant to Section 5008.6 of the Public Resources Code.

**Public Resource Code 5008.6.** Notwithstanding any other provision of law, the judge before whom any person is tried for a violation of any provision of this code within the jurisdiction of the department, or regulation adopted pursuant thereto, may, upon the conviction of the accused, order the forfeiture of any device or apparatus which is designed to and capable of injuring or killing any person or animal or capturing any animal and which was used in committing the offense charged. The department shall either sell or destroy any device or apparatus so forfeited. The proceeds from all sales shall be paid into the State Parks and Recreation Fund, segregated with the money deposited pursuant to Section 5008.4, and available only for the purposes of Section 5008.4. For purposes of this section, forfeiture of bail is a conviction.

**Penal Code 29800.** (a) (1) Any person who has been convicted of a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug, and who owns, purchases, receives, or has possession or under custody or control any firearm is guilty of a felony.

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 23515, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, and who owns or has in possession or under custody or control any firearm is guilty of a felony.

(c) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless either of the following criteria is satisfied:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment.

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both punishments.

**Penal Code 29805.** Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section 171b, paragraph (1) of subdivision (a) of Section 171c, 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to when it was repealed by Section 18 of Chapter 23 of the Statutes of 1994, Section 17500, 17510, 25300, 25800, 30315, or 32625, subdivision (b) or (d) of Section 26100, or Section 27510, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in subdivision (c) of Section 27590, and who, within 10 years of the conviction, owns, purchases, receives, or has in possession or under custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this section. However, the prohibition in this section may be reduced, eliminated, or conditioned as provided in Section 29855 or 29860.

**Penal Code 29810.** (a) For any person who is subject to Section 29800 or 29805, the court shall, at the time judgment is imposed, provide on a form supplied by the Department of Justice, a notice to the defendant prohibited by this chapter from owning, purchasing, receiving, possessing, or having under custody or control, any firearm. The notice shall inform the defendant of the prohibition regarding firearms and include a form to facilitate the transfer of firearms. (b) Failure to provide the notice described in subdivision (a) shall not be a defense to a violation of this chapter.

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RESOLUTION NO. 12-

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO SELL OR TRADE  
DEPARTMENT CONTROLLED FIREARMS AND FIREARM RELATED ACCESSORIES

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THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorize  
the police department to sell or trade department controlled firearms and  
firearm related accessories that have been confiscated or previously purchased  
in accordance with state and federal laws.

DATED: March 12, 2012

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Keith Nesbitt, Mayor

ATTEST:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the  
foregoing resolution was duly passed at a regular meeting of the City Council  
of the City of Auburn held on the 12th day of March 2012 by the following  
vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

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